



WEMHH/SB/21 (10/03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/718,770	
	Filing Date	November 21, 2003	
	First Named Inventor	Charles L. Branch, Jr.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	5	Attorney Docket Number	4002-3020/PC740.00

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): IDS 1449 Citation Form Return Receipt Post Card
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Brad A. Schepers, Reg. No. 45,431 Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	February 23, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below	
Typed or printed name	Brad A. Schepers
Signature	
Date	February 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



4002-003020.BAS.kkb.266811

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**


In re patent application of:	)	Before the Examiner:
Charles L. Branch, Jr.	)	(Unknown)
	)	
Serial No. 10/718,770	)	Group Art Unit
	)	(Unknown)
Filed: November 21, 2003	)	
	)	Ref. No.: 4002-3020/
EXPANDABLE SPINAL IMPLANT	)	PC740.00

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. § 1.56, Applicants wish to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation form. Copies of the U.S. patents and/or U.S. patent application publications listed in this IDS form are not being provided herewith since the requirements for submitting such documents under 37 CFR 1.98 (a)(2)(i) have been waived with regard to applications filed or nationalized subsequent to June 30, 2003.

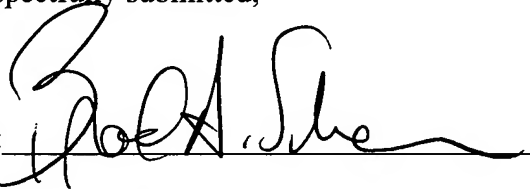
I hereby certify that this correspondence is being deposited with the United States Postal Service at first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
February 23, 2004	
(Date of Deposit)	
Brad A. Schepers	
Name of Registered Representative	
	
Signature	
February 23, 2004	
Date of Signature	

Information Disclosure Statement  
EXPANDABLE SPINAL IMPLANT  
Filed November 21, 2003  
Inventor: Charles L. Branch, Jr.  
Page 1 of 2

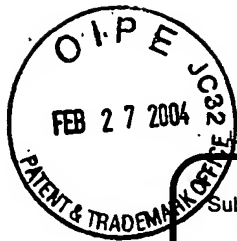
The filing of this Information Disclosure Statement (IDS) shall not be construed as an admission that the information cited is or is considered to be prior art or material to patentability as defined in § 1.56(b).

This Statement is being submitted under 37 CFR 1.97(b) before the occurrence of one or more of the following: (a) receipt of a First Office Action on the merits, (b) passage of three (3) months from the application filing date, or passage of three (3) months from the date entry of the national stage. Accordingly, it is believed that no fee is due. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: 

Brad A. Schepers  
Reg. No. 45,431  
Woodard, Emhardt, Moriarty,  
McNett & Henry LLP  
Bank one Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137  
(317) 634-3456



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	10/718,770
Filing Date	November 21, 2003
First Named Inventor	Charles L. Branch, Jr.
Group Art Unit	
Examiner Name	
Attorney Docket Number	4002-3020/PC740.00

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5,059,193	10/22/1991	Kuslich	
		US-5,514,180	05/07/1996	Heggeness et al.	
		US-5,554,191	09/10/1996	Lahille	
		US-5,653,763	08/05/1997	Errico et al.	
		US-5,658,335	08/19/1997	Allen	
		US-5,665,122	09/09/1997	Kambin	
		US-5,749,916	05/12/1998	Richelsoph	
		US-5,782,832	07/21/1998	Larsen et al.	
		US-5,976,187	11/02/1999	Richelsoph	
		US-6,102,950	08/15/2000	Vaccaro	
		US-6,117,174	09/12/2000	Nolan	
		US-6,126,689	10/03/2000	Brett	
		US-6,129,763	10/10/2000	Chauvin et al.	
		US-6,159,244	12/12/2000	Suddaby	
		US-6,174,334	01/16/2001	Suddaby	
		US-6,176,882	01/23/2001	Biedermann et al.	
		US-6,183,517	02/06/2001	Suddaby	
		US-6,217,579	04/17/2001	Koros	

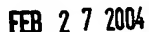
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		DE 4416605 C1	06/08/1995	Wing		
		WO 97/00054	01/03/1997	Olerud et al.		
		WO 00/12033	03/09/2000	Liu et al.		

Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet	2	of	2
-------	---	----	---

**Complete if Known**

Application Number	10/718,770
Filing Date	November 21, 2003
First Named Inventor	Charles L. Branch, Jr.
Group Art Unit	
Examiner Name	
Attorney Docket Number	4002-3020/PC740.00

[illegible][illegible]

**Examiner  
Signature**

Date  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**